

REMARKS

The office action of March 1, 2005, has been carefully considered.

It is noted that the drawings are objected to under 37 C.F.R. 1.83(a).

Claim 9 is rejected under 35 U.S.C. 112, first paragraph.

Claims 1 and 3-4 are rejected under 35 U.S.C. 102(b) over the patent to Kuroda et al.

Claims 2, 5-8, 10 and 11 are rejected under 35 U.S.C. 103(a) over Schiller et al. in view of DE 10004772 to Jolly.

Claim 12 is rejected under 35 U.S.C. 103(a) over Schiller et al. in view Jolly, and further in view of JP360029595 to Ito.

In connection with the Examiner's objection to the drawings, applicant has canceled claim 9 and enclosed herewith a replacement sheet containing Figs. 1 and 2. Fig. 1 has been amended to include illustration of the parallel, spaced arrangement of the pipes. It

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is respectfully submitted that no new matter is added by these changes.

In view of these considerations it is respectfully submitted that the objection to the drawings under 37 C.F.R. 1.83(a) is overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has canceled claims 3-5 and 9, and amended claims 1, 6 and 8.

With the cancellation of claim 9 it is respectfully submitted that the rejection of this claim under 35 U.S.C. 112, first paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Kuroda et al., it can be seen that this patent discloses an air conditioner and an air conditioning method. Kuroda et al. do not disclose an air conditioning system as recited in the amended claims presently on file. Specifically, Kuroda et al. do not

disclose an air conditioning system having a flat cooling element arranged within a plaster layer of a wall of the room, where the cooling element includes at least one pre-manufactured web comprised of a carrier mat and a plurality of meandering, parallel, counter-flow cooling pipes fastened to the carrier mat, and where the cooling pipes are spaced from one another so as to enable, at locations between the pipes, a bonding of the plaster to a base to which it is applied, as in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1 and 3-4 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

The Jolly reference discloses a ceiling mounted cooler. The Examiner combined Jolly with Kuroda et al. in determining that claims 2, 5-8, 10 and 11 would be unpatentable over such a combination. Applicant respectfully submits that the combination of Jolly and Kuroda et al. does not teach an air conditioning system as recited in the amended claims presently on file. Specifically, the combination of Jolly and Kuroda et al. does not teach an air conditioning system having a flat cooling element arranged within a plaster layer of a wall of the room, where the

cooling element includes at least one pre-manufactured web comprised of a carrier mat and a plurality of meandering, parallel, counter-flow cooling pipes fastened to the carrier mat, and where the cooling pipes are spaced from one another so as to enable, at locations between the pipes, a bonding of the plaster to a base to which it is applied, as in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 2, 5-8, 10 and 11 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

The Japanese reference of Ito has also been considered. Since this reference does not come closer to the currently claimed subject matter than the references discussed above it is believed that any detailed comments thereon at this time would be superfluous. Ito adds nothing to the teachings of Jolly and Kuroda et al. so as to arrive at the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claim 12 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and

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should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on May 31, 2005.

By: *F. Kueffner*
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